

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JACOB GONZALES,

Plaintiff,

v.

2:15-cv-00152-MV-LF

GREGG MARCANTEL,<sup>1</sup> JERRY ROARK,  
JEFFREY WRIGLEY, JOHN BEAIRD,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The magistrate judge filed her proposed findings and recommended disposition (“PF&RD”) on March 30, 2018. Doc. 49. The PF&RD notified the parties of their ability to file objections within fourteen (14) days (including three (3) days allowed for mailing), and that failure to do so waived appellate review. Doc. 49 at 25. Objections to the magistrate judge’s PF&RD were due on April 16, 2018. Doc. 49. No party filed objections by the April 16, 2018 deadline. Accordingly, on April 30, 2018, the Court adopted the magistrate judge’s PF&RD and filed a final order closing the case. Docs. 50, 51.

Two weeks later, on May 14, 2018, plaintiff Jacob Gonzales filed a motion for an extension of time explaining he did not receive the proposed findings in a timely fashion. Doc. 52. The Court granted the motion, reopened the case, and gave Mr. Gonzales through July 2, 2018, to file his objections. Doc. 53. To date, Mr. Gonzales has not filed objections and there is nothing in the record indicating that the proposed findings were not delivered.

**IT IS THEREFORE ORDERED AS FOLLOWS:**

1. The Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 49) is ADOPTED;

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<sup>1</sup> David Jablonski, the current NMCD Cabinet Secretary, is substituted for Mr. Marcantel to the extent Gonzales seeks prospective injunctive relief in the form of a change in NMCD policy. *See* Doc. 36 at 1 n.1; Doc. 38.

2. Defendants' Gregg Marcantel and Jerry Roark's motion for summary judgment (Doc. 36) is GRANTED;
3. Plaintiff Jacob Gonzales's motion to amend or supplement (Doc. 47) is DENIED;
4. The injunctive and declaratory relief sought by plaintiff Gonzales is DENIED; and
5. Plaintiff Gonzales's complaint is dismissed with prejudice.

  
UNITED STATES DISTRICT JUDGE